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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
13

14 **NETCHOICE, LLC,**

15 Plaintiff,

16 v.  
17

18 **ROB BONTA, in his official capacity as  
Attorney General of California,**

19 Defendant.  
20

No. 5:24-cv-07885-EJD

**JOINT CASE MANAGEMENT  
STATEMENT AND DISCOVERY  
SCHEDULE**

Date: April 24, 2025  
Time: 10:00 a.m.  
Courtroom: 4 (Fifth Floor)  
Judge: The Honorable Edward J. Davila  
Trial Date: None set.  
Action Filed: November 12, 2024

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On March 13, 2025, this Court ordered that discovery “may proceed on a limited basis related to the Government’s interests and the means to achieve those interests.” ECF 65 (“March 13 Order”). After conference between the parties on March 21, 2025, the parties submit this case management statement and proposed discovery schedule, which is intended to cover the initial discovery permitted under the March 13 Order (“Initial Discovery”).

### **1. Case Management Conference**

The parties propose that the Court schedule a case management conference for Thursday, April 24, 2025, at 10 a.m. This case management conference will allow the court to resolve disputes about the scope of the subject matter of initial discovery after the parties have had time to confer further about the subject matter of Initial Discovery.

### **2. Subject Matter of Initial Discovery**

The parties propose that the Initial Discovery permitted by the March 13 Order be limited as follows: Initial Discovery will be limited to the purposes and justifications for the enactment of SB 976 and existing private alternatives to the requirements of SB 976. The parties will utilize the period leading up to the case management conference to confer as to further defining and/or limiting the appropriate subject matter. The parties have reached this understanding to adhere in good faith to the intent of the March 13 Order and in the spirit of compromise. The agreement should not be interpreted as a concession by either party as to any argument on any matter in the present case. Any requests for discovery will be subject to all appropriate privilege claims and any other proper legal objections.

### **3. Stipulations**

To facilitate Initial Discovery, the parties stipulate as follows:

- a. No discovery shall commence before the case management conference takes place.

The parties understand that the provisions of this statement are subject to alteration by the Court.

- b. The parties shall submit a revised and/or updated discovery schedule at a time to be determined by the parties and/or the Court. The Initial Discovery schedule set forth below may be amended or superseded by, and consolidated with, the revised discovery

1 schedule.

2 c. No deposition of any witness shall be taken before the parties submit the revised  
3 and/or updated discovery schedule described in section 3(b). Nothing will limit either  
4 party's ability to take depositions on any relevant subject matter after the submission  
5 of the revised discovery schedule.

6 d. Individual experts whose expertise spans subject matter that is permitted in Initial  
7 Discovery and beyond the scope of Initial Discovery will be permitted, if the party  
8 offering the testimony deems it necessary, to serve supplemental reports on the non-  
9 permitted subject matter, subject to any revised or updated discovery schedule agreed  
10 upon pursuant to section 3(b).

#### 11 **4. Initial Discovery Schedule**

12 The parties jointly propose the following schedule for the Initial Discovery permitted by the  
13 March 13 Order. The schedule only pertains to the subject matter of Initial Discovery to which  
14 the parties agree or that this Court orders, as set forth above.

- 15 • **Case Management Conference** – April 24, 2025
- 16 • **Last Day to Serve Rule 26 Disclosures with Respect to Initial Discovery** – May 8,  
2025
- 17 • **Last Day to Serve Opening Expert Reports Related to Initial Discovery** – July 17,  
2025
- 18 • **Last Day to Serve Written Discovery** – July 24, 2025
- 19 • **Last Day to Serve Rebuttal Expert Reports Related to Initial Discovery** – August 21,  
2025
- 20 • **Last Day to Serve Sur-Rebuttal Expert Reports Related to Initial**  
21 **Discovery** – September 25, 2025
- 22 • **Initial Discovery Cutoff and Last Day to Hear Discovery Motions Related to Initial**  
23 **Discovery** – October 23, 2025

1 Dated: March 27, 2025

/s/ Christopher J. Kissel

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12 Dated: March 27, 2025

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